

● PRINTER RUSH ●

(PTO ASSISTANCE)

Application : 10/800,515 Examiner : G. COLON GAU : 2879

From: R. MITCHELL Location: (IDC) FMF FDC Date: 11/7/05

Tracking #: EPA 10/800,515 Week Date: 6/27/05

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449		<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS		<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM		<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW		<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW		<input type="checkbox"/> Other
<input type="checkbox"/> DRW		
<input checked="" type="checkbox"/> OATH	<u>3/15/04</u>	
<input type="checkbox"/> 312		
<input type="checkbox"/> SPEC		

[RUSH] MESSAGE: SIGNATURE FOR JAN S. MILLARD IS MISSING FROM
OATH (DECLARATION)

THANK YOU
REM

[XRUSH] RESPONSE: _____

see misc comm

DONE Rule 1.47

INITIALS REM

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.

REV 10/04

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11/22/2005

FACSIMILE TRANSMISSION SHEET

TO: Ms. Rori Burch

United States Patent and
Trademark Office

703 746 6830

FROM: Andrew M. Lawrence

RE:

PAGES (INCLUDING THIS PAGE): 7

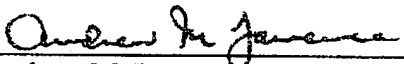
Please see attached. Thank you.

If you do not receive all pages of this fax in good condition, please contact Susana Vasquez at (312) 474-6300.

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PATENT
Attorney Docket No. 29610/CDT087B1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:)	CERTIFICATE OF FACSIMILE TRANSMISSION
)	
Jeremy H. Burroughes <i>et al.</i>)	I hereby certify that this paper is being
)	transmitted via facsimile on November
Serial No. 10/800,575)	22, 2005, to Ms. Rori Burch at the
)	United States Patent and Trademark
Filed: March 15, 2004)	Office, Facsimile No. (703) 746-6830.
)	
For: Opto-Electrical Devices)	
)	
Group Art Unit: 2879)	
)	
Examiner: German Colon)	 Andrew M. Lawrence, Reg. No. 46,130
)	Attorney for Applicants

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the "Notice to File Corrected Application Papers" dated November 15, 2005, requiring an oath/declaration document executed by joint inventor Ian S. Millard in the above-referenced application. A copy of the notice is attached.

The parent application (U.S. serial no. 09/913,380) was granted status under 37 C.F.R. §1.47(a) because joint inventor Ian S. Millard refused to execute the declaration for patent application. A copy of the decision on petition under 37 C.F.R. §1.47(a) dated May 22, 2002, granting the parent application status under 37 C.F.R. §1.47(a) was submitted with the application as filed. An additional copy is attached.

On the basis of these facts, the applicants respectfully submit that an oath/declaration document executed by joint inventor Ian S. Millard is unnecessary.

Accordingly, the applicants request that the Patent Office pass this application to issuance immediately.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

November 22, 2005



Andrew M. Lawrence, Reg. No. 46,130
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,575	03/15/2004	Jeremy H. Burroughes	29610/CDT087B1	1720
4743	7590	11/15/2005		
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606				
EXAMINER COLON, GERMAN				
ART UNIT 2879				
PAPER NUMBER				

RECEIVED

NOV 21 2005

MARSHALL GERSTEIN

DATE MAILED: 11/15/2005

Docketed: 12/15/05

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Serial Number
10800575

Date Mailed
11/15/05

NOTICE TO FILE CORRECTED APPLICATION PAPERS***Notice of Allowance Mailed***


This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- Signature for Ian Millard is missing from the oath/declaration.

APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.

A copy of this notice MUST be returned with the reply. Please address response to Commissioner for Patents P.O. Box 1450
Alexandria, VA 22313-1450


Rori Burch
USPTO
Publishing Division
Fax (703) 746-6830
Fax (703) 308-6642
703-305-0333 ext. 135 (V)

**MAY 22 2002**

UNITED STATES PATENT AND TRADEMARK OFFICE

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James P. Zeller
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Chicago, IL 60606

RECEIVED**MAY 30 2002****MARSHALL GERSTEIN**

In re Application of
BURROUGHES, Jeremy H., et al.
Application No.: 09/913,380
PCT No.: PCT/GB00/00478
Int. Filing Date: 14 February 2000
Priority Date: 12 February 1999
Attorney Docket No.: 29610/CDT087B
For: OPTO-ELECTRICAL DEVICES

DECISION ON**PETITION UNDER****37 CFR 1.47(a)**

This is a decision on applicants' "Renewed Petition Under 37 C.F.R. §1.47(a)," filed in the United States Patent and Trademark Office (USPTO) on 29 April 2002.

BACKGROUND

On 14 February 2000, applicants filed international application PCT/GB00/00478, which claimed a priority date of 12 February 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 17 August 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 11 September 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 August 2001 (12 April 2001 was a Sunday).

On 13 August 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an English translation of the international application.

On 19 September 2001, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required. The NOTIFICATION set a two-month extendable period for reply.

On 19 December 2001, applicants submitted a petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a petition for a one-month extension of time; the fee for a one-month extension of time; a declaration of inventorship executed by Jeremy H. Burroughes, Julian C. Carter, Alec G. Gunner, and Stephen K. Heeks; a statement of facts from Ann Brown; and copies of letters, emails and file notes.

On 01 March 2002, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition without prejudice.

Application No.: 09/913,380

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On 29 April 2002, applicants filed "Renewed Petition Under 37 C.F.R. §1.47(a)," accompanied by, *inter alia*, the Federal Express tracking history of a package delivered on 19 November 2001.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant

Items (1), (3) and (4) were previously met.

Item (2) has now been met. Applicants have provided the tracking history for the package delivered to the US work address of Mr. Millard. The package included a copy of the full application papers.

CONCLUSION

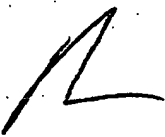
For the above reasons, applicants' petition under 37 CFR 1.47(a) is GRANTED.

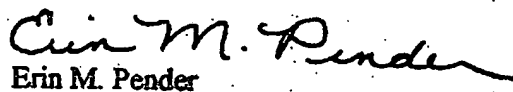
Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. date of 19 December 2001.


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PCT Legal Administration


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